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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. :
09/246,578	02/08/1999	ROBERT J. DALIAS	82771.P269	6329

8791 7590 07/30/2003

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EXAMINER

PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 07/30/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/246,578

Applicant(s)

DALIAS ET AL.

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

This communication is in response to applicant's 5/19/2003 amendment/responses in the application of **DALLAS et al.** for "**SS7-INTERNET GATEWAY ACCESS SIGNALING PROTOCOL**" filed 02/05/1999. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-20 are now pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (US 6,084,956), hereinafter Turner, in view of Holt et al. (US 6,070,192), hereinafter Holt.

Regarding claims 1, 12, 14, and 20, Turner discloses in a network architecture comprising a telephone switch (PSTN switch 50, figure 4), an access server (server 59, figure 4) coupled to a data network (64, figure 4) and the telephone switch via a telecommunications medium (link 56, figure 4) to transmit user information between the telephone switch and the data network, and a gateway (Interworking Function 54, figure 4 and ~~see two configurations of,~~) coupled to the access server and the telephone switch via an out-of-band communications medium (SS7 network 52, figure 4) to transmit

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signaling information between the telephone switch and the access server, a method comprising:

- sending a status message (response message 84 or 95, in figure 6) from the access server to the gateway; and

- acknowledging to the access server that the status message was received (control message 79 or control message 95, in figure 6).

Turner fails to explicitly disclose that the status message is sent from the access server to the gateway and the access server acknowledging to the server in response to the status message.

Holt, on the other hand, teaches if a network failure condition exists, such that the NAS 5 is unable to open a tunnel to the Network Gateway 9 indicated by the NC 12, the NAS 5 sends an indication to the NC 12 requesting a new Network Gateway allocation, which will result in a response from the NC 12 with a new Network Gateway 9, and the NC 12 marks the failed Network Gateway administrative status as "disabled", which will prevent further calls from being routed to the failed Network Gateway (see col. 11 lines 40-49).

At regular intervals, the NC 12 may send a status indication to one or more NAS 5, to which the NAS 5 responds with a status confirm message (using the aforementioned signalling protocol). The status confirm message will include a list of all

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currently active calls, with their identifiers. The NC 12 uses this information to determine if the information stored in the NC 12 is accurate. If the information is not accurate (i.e. some unexpected new calls may be present or some expected calls may be absent), the NC 12 updates its information, and may send another status indication to the NAS 5 requesting more detailed information (col. 12 line 64 to col. 13 line 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the teachings of both the Turner and the Holt to cause the RAS to transmit the status message from the access server to the gateway and the access server acknowledging to the server in response to the status message in order to determine whether a network failure condition exists between the NAS and the gateway and to determine whether the gateway function properly.

Regarding claims 2-11, 13, and 15-19, Turner discloses a status message from the NAS 59 indicates the NAS is operational and specifies the capabilities of the NAS 59 and control messages (see col. 6 lines 29-40; and col. 7 line 53 to col. 8 line 51).

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

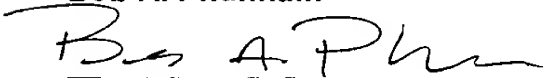
Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

Bob A. Phunkulh

A handwritten signature in black ink, appearing to read 'Bob A. Phunkulh', written over a horizontal line.

TC 2600
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July 24, 2003